

HOUSE BILL 3356

By Hackworth

AN ACT to amend Tennessee Code Annotated, Title 57,  
relative to criminal background checks.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 57-5-103, is amended by adding the following new subsections thereto:

(f) A city or county may require applicants for permits to supply a fingerprint sample and submit to a criminal history records check to be conducted by the Tennessee bureau of investigation, the federal bureau of investigation, other law enforcement agency, or any legally authorized entity.

(g) Any cost incurred by the Tennessee bureau of investigation, federal bureau of investigation, professional background screening organization, law enforcement agency or other legally authorized entity in conducting such investigations of such applicants shall be paid by such applicants. In the event that such applicants fail to pay for these incurred expenses, a permit may be denied issuance. Payments of such cost to the Tennessee bureau of investigation and the federal bureau of investigation are to be made in accordance with §§ 38-6-103 and 38-6-109.

SECTION 2. Tennessee Code Annotated, Section 57-3-706, is amended by deleting such section in its entirety and by substituting instead the following:

Section 57-3-706. The commission shall conduct a criminal background check of all applicants for an employee or server permit to ensure the applicant's compliance with the requirements of this part. Applicants for permits shall supply a fingerprint sample and submit to a criminal history records check to be conducted by the Tennessee bureau of investigation, the federal bureau of investigation, other law enforcement

agency, or any legally authorized entity. Any cost incurred by the Tennessee bureau of investigation, federal bureau of investigation, professional background screening organization, law enforcement agency or other legally authorized entity in conducting such investigations of such applicants shall be paid by such applicants. In the event that such applicants fail to pay for these incurred expenses, a permit may be denied issuance. Payments of such costs to the Tennessee bureau of investigation and the federal bureau of investigation are to be made in accordance with §§ 38-6-103 and 38-6-109.

SECTION 3. Tennessee Code Annotated, Section 57-3-207, is amended by adding a new subsection thereto, as follows:

(o) The commission shall conduct a criminal background check of all applicants for a winery license to ensure the applicant's compliance with the requirements of this part. Applicants for permits shall supply a fingerprint sample and submit to a criminal history records check to be conducted by the Tennessee bureau of investigation, the federal bureau of investigation, other law enforcement agency, or any legally authorized entity. Any cost incurred by the Tennessee bureau of investigation, federal bureau of investigation, professional background screening organization, law enforcement agency or other legally authorized entity in conducting such investigations of such applicants shall be paid by such applicants. In the event that such applicants fail to pay for these incurred expenses, a permit may be denied issuance. Payments of such costs to the Tennessee bureau of investigation and the federal bureau of investigation are to be made in accordance with §§ 38-6-103 and 38-6-109.

SECTION 4. Tennessee Code Annotated, Section 57-3-204, is amended by adding a new subsection thereto, as follows:

(i) The commission shall conduct a criminal background check of all applicants for a retailer's license to ensure the applicant's compliance with the requirements of this part. Applicants for permits shall supply a fingerprint sample and submit to a criminal history records check to be conducted by the Tennessee bureau of investigation, the federal bureau of investigation, other law enforcement agency, or any legally authorized entity. Any cost incurred by the Tennessee bureau of investigation, federal bureau of investigation, professional background screening organization, law enforcement agency or other legally authorized entity in conducting such investigations of such applicants shall be paid by such applicants. In the event that such applicants fail to pay for these incurred expenses, a permit may be denied issuance. Payments of such costs to the Tennessee bureau of investigation and the federal bureau of investigation are to be made in accordance with §§ 38-6-103 and 38-6-109.

SECTION 5. Tennessee Code Annotated, Section 57-3-203, is amended by adding a new subsection thereto, as follows:

(k) The commission shall conduct a criminal background check of all applicants for a wholesaler's license to ensure the applicant's compliance with the requirements of this part. Applicants for permits shall supply a fingerprint sample and submit to a criminal history records check to be conducted by the Tennessee bureau of investigation, the federal bureau of investigation, other law enforcement agency, or any legally authorized entity. Any cost incurred by the Tennessee bureau of investigation, federal bureau of investigation, professional background screening organization, law enforcement agency or other legally authorized entity in conducting such investigations of such applicants shall be paid by such applicants. In the event that such applicants fail to pay for these incurred expenses, a permit may be denied issuance. Payments of such

costs to the Tennessee bureau of investigation and the federal bureau of investigation are to be made in accordance with §§ 38-6-103 and 38-6-109.

SECTION 6. Tennessee Code Annotated, Section 57-3-202, is amended by adding a new subsection thereto, as follows:

(i) The commission shall conduct a criminal background check of all applicants for a manufacturer's or distiller's license to ensure the applicant's compliance with the requirements of this part. Applicants for permits shall supply a fingerprint sample and submit to a criminal history records check to be conducted by the Tennessee bureau of investigation, the federal bureau of investigation, other law enforcement agency, or any legally authorized entity. Any cost incurred by the Tennessee bureau of investigation, federal bureau of investigation, professional background screening organization, law enforcement agency or other legally authorized entity in conducting such investigations of such applicants shall be paid by such applicants. In the event that such applicants fail to pay for these incurred expenses, a permit may be denied issuance. Payments of such costs to the Tennessee bureau of investigation and the federal bureau of investigation are to be made in accordance with §§ 38-6-103 and 38-6-109.

SECTION 7. This act shall take effect July 1, 2010, the public welfare requiring it.